

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RALCORP HOLDINGS, INC.,

Plaintiff,

v.

HEARTLAND BAKERY, LLC,

Defendants.

Case No. 08-cv-350-DRH

ORDER

HERNDON, Chief Judge:

In an Order dated May 19, 2008, the Court dismissed Plaintiff's claims without prejudice, allowing Plaintiff thirty days to move for leave to file an Amended Complaint, to include the proper jurisdictional allegations of Defendant's citizenship (Doc. 6). Plaintiff now files its Stipulation of Dismissal (Doc. 7), pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**, hereby dismissing its claims without prejudice, each party to bear their own costs and attorneys' fees. The Court hereby **ACKNOWLEDGES** said Stipulation (Doc. 7). As such, this case is **DISMISSED WITHOUT PREJUDICE**. Case file shall be closed.

IT IS SO ORDERED.

Signed this 11th day of June, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**